

ADULT DRUG COURT BEST PRACTICE STANDARDS VOLUME I



WHY STANDARDS?

- ✓ **Put null findings in context (8 - 16%)**
- ✓ **Disown harmful programs (6 - 9%)**
- ✓ **Prevent regression to old habits (model drift)**
- ✓ **Protect “brand name” from incursions**
- ✓ **Define standard of care for ourselves**
 - ✓ Limit appellate review to conformance with standards rather than creating standards
 - ✓ Congressional committees, agencies, etc.



WHY STANDARDS?

- ✓ **Reduce legal & constitutional errors**
 - ✓ Procedural due process requires standards, rational basis, and notice of rights being waived
- ✓ **Reduce disparate impacts (violations of Equal Protection)**
- ✓ **Provide support and political cover for needed services and expenditures**
- ✓ **Demonstrate maturity of our profession**
- ✓ **Because we care about getting it right!**



PROCEDURES

- ✓ **Expert Drafting Committee with Diverse Stakeholder Representation (N = 27)**

- ✓ **Rigorous Peer Review Process (N > 50)**
 1. Clarity (what is required)
 2. Justification (why it is required)
 3. Feasibility (difficulty of implementing)



STANDARDS OF PROOF

✓ **Research Quality**

1. Experimental / controlled
2. Quasi-experimental or matched-comparison
3. Observational (systematically collected)
4. Attitudinal (systematically collected)

✓ **Intent-to-Treat Analyses**

✓ **Program Setting**

1. Drug court
2. Other Treatment court



STANDARDS OF PROOF

✓ **Program Setting** *(cont.)*

3. Other program for drug-involved offenders (e.g., community correctional centers, Prop. 36)
4. Other criminal justice or substance abuse treatment program

✓ **Reliability of the Findings**

- ✓ Multi-site studies and meta-analyses
- ✓ Replication
- ✓ Large sample sizes
- ✓ Diverse settings (e.g., rural)
- ✓ Contrary evidence



DRAFTING PRINCIPLES

- ✓ **No Surprises or Curve Balls**
- ✓ **Minimize Ambiguity and Hedging**
(a best practice is what a best practice is)
- ✓ **Measurable and Enforceable**
- ✓ **“Conditional Escape Clauses”**
 - ✓ E.g., alternative tracks or credit for inadequate services
- ✓ **No Enforcement Mechanism**



STRUCTURE

I. General Principle

A. Specific Provision (measurable)

B. Specific Provision (measurable)

✓ Commentary / Justification

✓ References



VOLUME I

- I. Target Population** *(all else follows from this)*
- II. Equity and Inclusion in Drug Courts**
- III. Roles & Responsibilities of the Judge**
- IV. Incentives, Sanctions, & Therapeutic Adjustments**
- V. Substance Use Disorder Treatment**



TARGET POPULATION

- ✓ **Eligibility & Exclusion Criteria are Based on Empirical Evidence**
- ✓ **Assessment Process is Evidence-Based**
 - A. Objective Eligibility Criteria
 - B. High-Risk & High-Need Participants
 - C. Validated Eligibility Assessments
 - D. Criminal History Disqualification
 - ✓ “Barring legal prohibitions...”
 - E. Clinical Disqualifications



TARGET POPULATION

**Don't Treat or House
High Risk and Low
Risk Together**



A vertical banner on the left side of the image. At the top, it says 'NADCP' in large white letters. Below that is a logo featuring a caduceus (a staff with two snakes) and the words 'ALL RISE' in a stylized font. At the bottom of the banner, it says 'Welcomes You' in large white letters. The banner is set against a background of a modern building with large windows.

EQUITY AND INCLUSION IN DRUG COURTS

Equivalent Opportunities to Participate and Succeed in Drug Court

- A. Equivalent Access (*intent & impact*)
- B. Equivalent Retention
- C. Equivalent Incentives & Sanctions
- D. Equivalent Legal Disposition
- E. Team Training (*remedial measures*)

ROLES OF THE JUDGE

Contemporary Knowledge; Active Engagement; Professional Demeanor; Leader Among Equals

- A. Professional Training
- B. Length of Term
- C. Consistent Docket
- D. Pre-Court Staff Meetings
- E. Frequency of Status Hearings
- F. Length of Court Interactions
- G. Judicial Demeanor
- H. Judicial Decision-Making



INCENTIVES & SANCTIONS

Predictable, Consistent, Fair, and Evidence-Based

- A. Advance Notice
- B. Opportunity to be Heard
- C. Equivalent Consequences
- D. Professional Demeanor
- E. Progressive Sanctions
- F. Licit Substances



INCENTIVES & SANCTIONS

Predictable, Consistent, Fair, and Evidence-Based

- G. Therapeutic Adjustments
- H. Incentivizing Productivity
- I. Phase Promotion
- J. Jail Sanctions
- K. Termination
- L. Consequences of Graduation and Termination
(leverage)



INCENTIVES & SANCTIONS

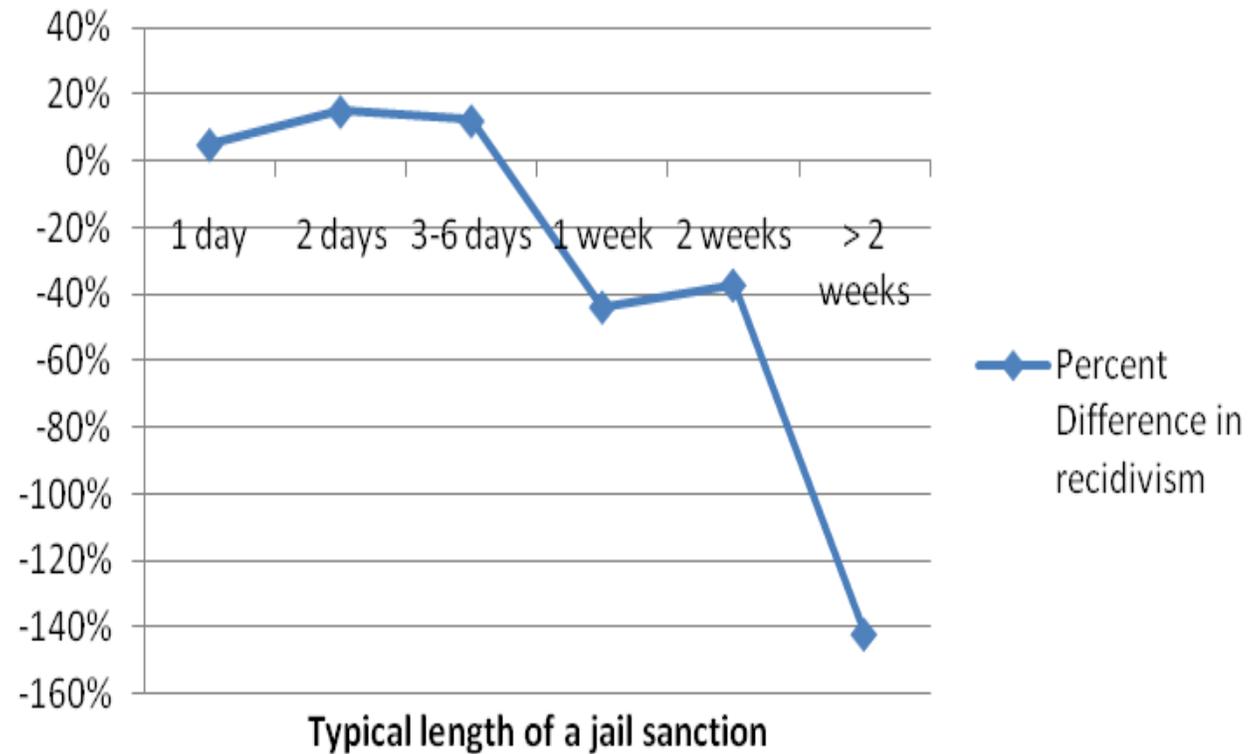
NADCP

ALL
RISE



Welcomes
You

Percent decrease in recidivism between courts that use differing amounts of jail sanction time



SUBSTANCE USE DISORDER TREATMENT

Based on Treatment Needs and Evidence-Based

- A. Continuum of Care
“if adequate care is unavailable...”
- B. In-Custody Treatment
- C. Team Representation
- D. Treatment Dosage and Duration
- E. Treatment Modalities



SUBSTANCE USE DISORDER TREATMENT

Based on Treatment Needs and Evidence-Based

- F. Evidence-Based Treatments
- G. Medications
- H. Provider Training and Credentials
- I. Continuing Care

